

ENTERED

September 05, 2019

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

V.

EOX HOLDINGS LLC and ANDREW
GIZIENSKI,

Defendants.

W

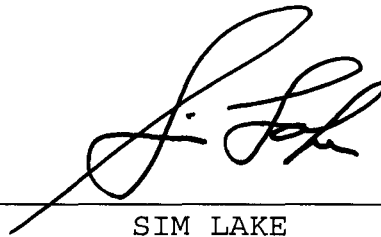
CIVIL ACTION NO. H-19-2901

ORDER

Having carefully considered the Expedited Motion by Defendants
EOX Holdings LLC and Andrew Giziencki to Postpone the Pretrial
Conference Until After the Court Rules on Defendants' Motion to
Dismiss and for Summary Judgment on Counts I and II of the
Complaint (Docket Entry No. 65) and Plaintiff Commodity Futures
Trading Commission's Response in Opposition to Defendants' Motion
to Postpone the Pretrial Conference Until After the Court Rules on
Defendants' Motion to Dismiss and for Summary Judgment on Counts I
and II of the Complaint (Docket Entry No. 68), the court concludes
that the Expedited Motion by Defendants to Postpone the Pretrial
Conference Until After the Court Rules on Defendants' Motion to
Dismiss and for Summary Judgment on Counts I and II of the
Complaint (Docket Entry No. 65) should be and is hereby **DENIED**.

Because of the number of dispositive motions pending on the court's docket, the court normally limits the parties to one dispositive motion. This limitation is especially appropriate when a defendant files a dispositive motion before the parties have conducted discovery. Since defendants filed a Notice of Motion to Dismiss and for Summary Judgment on Counts I and II of the Complaint as to EOX and Gizienksi, and Motion to Dismiss All Counts Against Gizienksi ("Defendants' Dispositive Motion") (Docket Entry No. 23) before the case was transferred to the undersigned judge, defendants will advise the court by September 10, 2019, whether they wish to proceed with their Defendants' Dispositive Motion or to withdraw the motion and reserve their right to file a motion for summary judgment pursuant to the scheduling order that the court will enter at the September 27, 2019, initial pretrial and scheduling conference.

SIGNED at Houston, Texas, on this 5th day of September, 2019.

A handwritten signature in black ink, appearing to read 'S. Lake', is written over a horizontal line.

SIM LAKE
SENIOR UNITED STATES DISTRICT JUDGE